

### **REMARKS/ARGUMENTS**

The above-identified patent application has been reviewed in light of the Examiner's Action dated April 5, 2006. Claims 1-6, 8, 14 & 20 have been amended. Claims 21-25 have been cancelled, without intending to waive any rights to any patentable subject matter. Accordingly, Claims 1-20 are pending in the application.

#### **Claim Rejections – 35 USC § 102**

Claims 1-5, 8-10 and 13-20 have been rejected as being anticipated by U.S. Patent No. 6,332,292 to Buzon ("Buzon"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Since all of the claim elements of amended independent Claim 1 and Claim 14, as originally presented are not found in Buzon, withdrawal of the rejection is respectfully requested.

More specifically, Claims 1-5 have been amended to more succinctly claim one embodiment of the present invention wherein the ribs are "horizontally" oriented thereby distinguishing them from the threads of Buzon. In addition, a limitation requiring that the ribs positioned about the outer diameter of the cylindrically shaped support member be non-continuous has been added to the claims that further distinguishes Buzon. Claims 8-10 and 13 are distinguishable over Buzon since they are dependant on Claim 1. As shown in the drawings and described in the detailed description, the Applicants' invention specifically allows vertical travel of the support member without rotation with respect to the substantially cylindrical base.

Claims 14-20 are believed distinguishable over Buzon since the limitation of a non-threaded interconnection is not found in Buzon. More specifically, Claim 14 and its dependants include "non-threaded circumferentially oriented ribs" that are not found in Buzon. Conversely, Buzon discloses a threaded interconnection. The internal threads of Buzon appear to be non-continuous in Fig. 18, but are threads nevertheless, not ribs as contemplated by embodiments of the present invention. The gap in the interior threads of device disclosed by Buzon appears to facilitate manufacture of the article and/or drainage.

### **Claim Rejections – 35 USC § 103**

Claims 6-7 have been rejected as being obvious in light of a combination of Buzon and U.S. Patent No. 3,222,030 to Thorpe ("Thorpe"). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Since, as set forth above, a non-threaded interconnection is not found in either Buzon or Thorpe, withdrawal of the rejection is respectfully requested.

Claims 11-12 have been rejected as being obvious in light of a combination of Buzon and U.S. Patent No. 5,398,466 to Oyama et al ("Oyama"). Again, since all of the elements claimed, for example a non-threaded interconnection, is not found in the combination of the cited references withdrawal of the rejection is respectfully requested.

### **Double Patenting**

Examiner has provisionally rejected Claims 1-20 on the ground of nonstatutory obviousness-type double patenting in light of co-pending U.S. Patent Application Serial No. 10/831514. Enclosed herewith is a terminal disclaimer to address the rejection.

### **Conclusion**

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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